HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 11382 of 2004

Dated: 26th October, 2005

Between:

1. V.R.Indiramma, W/o.Issac, R/o.Door No.2/147-2,

Maruthinagar, Cuddapah and another.

..... PETITIONERS

AND

1.State of Andhra Pradesh rep. by its Principal Secretary,

Revenue, Secretariat, Hyderabad and another.

.....RESPONDENTS

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No. 11382 of 2004

ORDER:

This writ petition has been filed by V.R.Indiramma and V.R.Premamma with a prayer to issue an appropriate order or direction declaring the action of the respondents in interfering with their peaceful possession and enjoyment in respect of the land admeasuring Ac.3.00 cents comprising Survey No.75/6 situated at Mamimallapalli village, C.K.Dinne Mandal, Cuddapah District, as arbitrary, illegal and contrary to the provisions of the Land Acquisition Act, 1894.

2. It is the case of the petitioners that they purchased the land admeasuring Ac.3.00 cents comprising Survey No.75/6 situated at Mamimallapalli village, C.K.Dinne Mandal, Cuddapah District, from one V.Lakshminarasimhacharyulu for valid consideration under registered sale deed dated 18.07.1978. It is their further case that the respondents are trying to interfere with their possession on the ground that the land is required for allotment of house sites to railway employees.

3. Heard learned counsel appearing for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

4. Learned counsel appearing for the petitioners submits that the petitioners are the owners and possessors of the land admeasuring Ac.3.00 cents comprising Survey No.75/6 situated at Mamimallapalli village, C.K.Dinne Mandal, Cuddapah District, and pattadar passbook/title deed has also been issued in their favour and therefore, their possession cannot be disturbed by the respondents without following the due process of law.

5. Learned Government Pleader for Revenue appearing for the respondents submits that the land in possession of the petitioners is an assigned land and therefore, the sale deed obtained by them are in violation of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act')

6. As on this day no proceedings have been initiated by the respondents for resumption of the land. Without taking recourse to the provisions of the Act, the respondents cannot interfere with the possession of the petitioners over the land admeasuring Ac.3.00 cents comprising Survey No.75/6 situated at Mamimallapalli village, C.K.Dinne Mandal, Cuddapah District. In that view of the matter, I deem it appropriate to dispose of the writ petition directing the respondents to follow the due process of law in case the petitioners are to be dispossessed from the land admeasuring Ac.3.00 cents comprising Survey No.75/6 situated at Mamimallapalli village, C.K.Dinne Mandal, Cuddapah District.

7. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Dated: 26th October, 2005.

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